



U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel

5107 Leesburg Pike
Falls Church, Virginia 22041

October 9, 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Christina Brown
The Law Office of Christina Brown, LLC
1888 Sherman St., Suite 200
Denver, CO 80203

MuckRock News
DEPT MR 71441
411A Highland Ave
Somerville, MA 02144-2516

RE: FOIA 2020-00718 / FOIA 2019-30976

Dear Ms. Brown:

This letter is in response to your Freedom of Information Act (FOIA) request FOIA 2019-30976 dated May 2, 2019, newly-assigned FOIA 2020-00718, to the Executive Office for Immigration Review (EOIR) in which you seek the following:

- any correspondence to, from, and within the Office of the Chief Immigration Judge, Assistant Chief Immigration Judges, and the Office of the Director of the Executive Office of Immigration Review at the Department of Justice regarding Family Units in removal proceedings, including: emails or other correspondence, memoranda, scheduling orders, or other guidance on FAMU designation, docketing for FAMU designated cases, treatment of FAMU cases in removal proceedings, or other issues related to family units or FAMU in removal proceedings between September 1, 2018, and April 4, 2019

Your request asks for any correspondence to, from or within all personnel within two offices within EOIR, specifically, the Office of the Chief Immigration Judge (OCIJ) and the Office of the Director (OOD) regarding Family Units in removal proceedings between September 1, 2018, and April 4, 2019. Note that Assistant Chief Immigration Judges are under the Office of the Immigration Judge.

As written, your request would require more than 1,500 personnel within OCIJ alone to conduct a search and is, therefore, overbroad and unreasonably burdensome. Overbroad and unreasonably burdensome requests are invalid because FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters. *Assassination Archives & Research Ctr., Inc. v. CIA*, 720 F. Supp. 217, 219 (D.D.C. 1989). This protects the ability of federal agencies to prioritize their resources notwithstanding any obligation to provide access to records

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under *FOIA, Int'l Counsel Bureau v. U.S. Dep't of Def.*, 723 F. Supp. 2d 54, 59-60 (D.D.C. 2010). Accordingly, your request is closed as improper for being overbroad and unduly burdensome.

You may contact the EOIR analyst who processed your FOIA request and/or the EOIR FOIA Public Liaison by e-mail at EOIR.FOIAREQUESTS@USDOJ.GOV or by telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Please reference the FOIA control number.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with our response to this request, you may administratively appeal by writing to the United States Department of Justice, Office of Information Policy, Sixth Floor, 441 G Street, NW, Washington, DC 20530-20001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked Freedom of Information Act Appeal.

Sincerely,

Joseph Schaaf

J.R. Schaaf
Senior Counsel, Administrative Law